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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/355, 707 12/14/94 KOUZAI

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EXAMINER

WONG, S

F3M1/0710

ART UNIT

PAPER NUMBER

DARBY AND DARBY  
805 THIRD AVENUE  
NEW YORK NY 10022

3304

DATE MAILED:

07/10/95

6

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.A shortened statutory period for response to this action is set to expire three month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

**Part II SUMMARY OF ACTION**1.  Claims 1-10 are pending in the application.Of the above, claims 5-10 are withdrawn from consideration.2.  Claims \_\_\_\_\_ have been cancelled.3.  Claims \_\_\_\_\_ are allowed.4.  Claims 1-4 are rejected.5.  Claims \_\_\_\_\_ are objected to.6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.8.  Formal drawings are required in response to this Office action.9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.14.  Other**EXAMINER'S ACTION**

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1      **Part III    DETAILED ACTION**

2                    ***Election/Restriction***

3      1. Claims 5-10 are withdrawn from further consideration by the  
4      examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected  
5      invention, the requirement having been traversed in Paper No. 5.

6      2. Applicant's election with traverse of claims 5-10 in Paper  
7      No. 5 is acknowledged. The traversal is on the ground(s) that  
8      Group I is part of the same inventive concept as that of Group  
9      II. This is not found persuasive because the examiner has shown  
10     that the inventions are distinct and have acquired a separate  
11     status in the art as shown by their different classification.

12                 The requirement is still deemed proper and is therefore made  
13     FINAL.

14                    ***Specification***

15      3. The specification is replete with grammatical errors too  
16     numerous to mention specifically. The specification appears to  
17     be a direct translation from the Japanese application. The  
18     specification should be revised carefully. Examples of such  
19     errors are: on page 1, line 7 "produced by two method"; line 11  
20     "the surface with adhesive agent"; line 18 "protrude bars";  
21     line 19 "formed on overlap portion".

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1 4. To insure proper consideration, applicant should provide the  
2 examiner with a copy of the foreign art cited in the  
3 specification (page 1, line 14 and page 10, line 12) because it  
4 is not readily available to the examiner.

5 ***Claim Rejections - 35 USC § 112***

6 5. Claims 1-4 are rejected under 35 U.S.C. § 112, second  
7 paragraph, as being indefinite for failing to particularly point  
8 out and distinctly claim the subject matter which applicant  
9 regards as the invention. The claims appear to be a literal  
10 translation into English from the foreign document and are  
11 replete with grammatical and idiomatic errors.

12 In claim 2 the language on lines 3 and 4 describing the  
13 solution of an adhesive agent is indefinite because it is unclear  
14 whether such language is meant to positively recite the solutions  
15 or be merely exemplary.

16 ***Claim Rejections - 35 USC § 102***

17 6. The following is a quotation of the appropriate paragraphs  
18 of 35 U.S.C. § 102 that form the basis for the rejections under  
19 this section made in this Office action:

20 A person shall be entitled to a patent unless --  
21 (b) the invention was patented or described in a printed  
22 publication in this or a foreign country or in public use or  
23 on sale in this country, more than one year prior to the  
24 date of application for patent in the United States.

1. 7. Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being  
2 clearly anticipated by Takazawa. Takazawa discloses a ball  
3 construction including an inflatable tube (1), a covering layer  
4 (3) for the tube, a reinforced layer (4), an outer layer (5) and  
5 an inorganic lubricant (2) located between the tube and the  
6 covering layer (column 2, lines 1-15).

7 Regarding claim 2, Takazawa teaches that the covering layer  
8 (3) is formed of cloth strips which are inherently capable of  
9 preventing a solution of an adhesive agent from passing  
10 therethrough.

11 Regarding claim 3, note column 2, lines 1-15 which teaches  
12 placing cloth strips for the covering layer (3) and the  
13 reinforced layer (4).

14 ***Claim Rejections - 35 USC § 103***

15 8. The following is a quotation of 35 U.S.C. § 103 which forms  
16 the basis for all obviousness rejections set forth in this Office  
17 action:

18 A patent may not be obtained though the invention is not  
19 identically disclosed or described as set forth in  
20 section 102 of this title, if the differences between the  
21 subject matter sought to be patented and the prior art are  
22 such that the subject matter as a whole would have been  
23 obvious at the time the invention was made to a person  
24 having ordinary skill in the art to which said subject  
25 matter pertains. Patentability shall not be negated by  
26 the manner in which the invention was made.

27 Subject matter developed by another person, which qualifies  
28 as prior art only under subsection (f) or (g) of section 102  
29 of this title, shall not preclude patentability under this  
30 section where the subject matter and the claimed invention

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1 : were, at the time the invention was made, owned by the same  
2 : person or subject to an obligation of assignment to the same  
3 : person.

4 9. Claim 4 is rejected under 35 U.S.C. § 103 as being  
5 unpatentable over Takazawa in view of Applicant's disclosure.  
6 Takazawa lacks the teaching for the reinforced layer to be formed  
7 by winding yarns.

8        Applicant discloses that it is well known in the art to  
9        replace the cloth pieces with yarn windings for forming a  
10      reinforced layer (page 1, lines 7-12). It would have been  
11      obvious to replace the cloth pieces of the reinforced layer of  
12      Takazawa with yarn windings in order to provide an alternative  
13      method of reinforcing the covering layer.

## Conclusion

15 10. The prior art made of record and not relied upon is  
16 considered pertinent to applicant's disclosure. Mitchell,  
17 Kumasaki et al., Kralik and FR 2,504,019 teach sports ball having  
18 a plurality of layers.

11. Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Steven  
Wong whose telephone number is (703) 308-3135.

Steven Wong  
Examiner  
Group 3300

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1 SBW  
2 June 29, 1995